

# 12



PATENT

Attorney Docket: 1390-9CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ralph et al.

Examiner: Reip, D.

Serial No.: 09/992,612

Group: Art Unit 3731

Filed: November 13, 2001

Dated: July 23, 2003

For: **POLYAXIAL PEDICLE SCREW HAVING  
A THREADED AND TAPERED COMPRESSION  
LOCKING MECHANISM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST UNDER 37 C.F.R. § 1.48(a) TO CORRECT INVENTORSHIP

Sir:

The undersigned respectfully requests that the inventorship of the above referenced patent application be corrected to include Joseph P. Errico and Thomas J. Errico as named inventors.

A statement from each of Joseph P. Errico and Thomas J. Errico indicating that the error occurred with <sup>out</sup> deceptive intent accompanies this request.

Also submitted herewith is the substitute Declaration executed by all the named inventors along with a Written Consent of the Assignee.

08/28/2003 SLUANG1 00000004 09992612

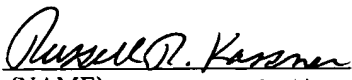
04 FC:1460 130.00 OP

Adjustment date: 04/25/2005 LTHOMP1  
08/28/2003 SLUANG1 00000004 09992612  
04 FC:1460

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service in first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Aug 25, 2003.

Dated: Aug. 25, 2003

  
(NAME) RUSSELL R. KASSNER  
Reg. No. 36,183

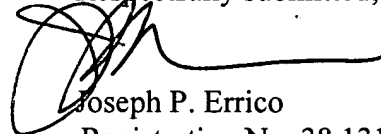
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03 FC:1814 110.00 OP

Repln. Ref: 04/25/2005 LTHOMP1 0011505700  
DAH: 502140 Name/Number: 09992612  
FC: 9204

The processing fees under 37 C.F.R. § 1.17(i) in the amount of \$130.00 is also enclosed.

Respectfully submitted,



Joseph P. Errico  
Registration No. 38,131  
Attorney for Applicants

**Correspondence Address:**

Joseph P. Errico  
150 Douglas Road  
Far Hills, NJ 07931  
Tel: 908-273-6109  
Fax: 908-273-6136



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.48(a)(2) LACK OF DECEPTIVE INTENT

Sir:

This statement is submitted in support of a Request To Correct Inventorship in the above-identified application. The error in not originally naming the undersigned as a named inventor occurred without deceptive intent.

Respectfully Submitted,



Joseph P. Errico


Correspondence Address:

Joseph P. Errico  
150 Douglas Road  
Far Hills, NJ 07931  
Tel: 908-273-6109  
Fax: 908-273-6136

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: Aug. 25, 2003



(NAME) RUSSELL R. KASSNER  
Reg. No. 36,183



PATENT  
Attorney Docket: 1390-9CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ralph et al.

Examiner: Reip, D.

Serial No.: 09/992,612

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STATEMENT UNDER 37 C.F.R. § 1.48(a)(2) LACK OF DECEPTIVE INTENT

Sir:

This statement is submitted in support of a Request To Correct Inventorship in the above-identified application. The error in not originally naming the undersigned as a named inventor occurred without deceptive intent.

Respectfully Submitted,

Thomas J. Errico

Correspondence Address:

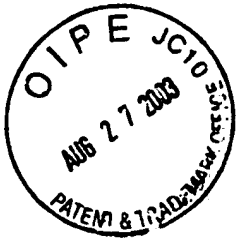
Joseph P. Errico  
150 Douglas Road  
Far Hills, NJ 07931  
Tel: 908-273-6109  
Fax: 908-273-6136

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: Aug 25, 2003

  
(NAME) Russell R. KASSNER  
Reg. No. 36,153



PATENT  
Attorney Docket: 1390-9CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ralph et al. Examiner: Reip, D.  
Serial No.: 09/992,612 Group: Art Unit 3731  
Filed: November 13, 2001 Dated: July 23, 2003  
For: **POLYAXIAL PEDICLE SCREW HAVING  
A THREADED AND TAPERED COMPRESSION  
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Commissioner for Patents  
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Alexandria, VA 22313-1450

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WRITTEN CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)  
TO CORRECT INVENTORSHIP

Sir:

Fastenetix, L.L.C., Assignee of the entire right, title and interest of U.S. Patent Application  
Serial No, 09/992,612, filed November 13, 2001 consents to the addition of Joseph P. Errico and  
Thomas J. Errico as named inventors in the above referenced U.S. Patent Application.

Correspondence Address:

Joseph P. Errico  
150 Douglas Road  
Far Hills, NJ 07931  
Tel: 908-273-6109  
Fax: 908-273-6136

Fastenetix, L.L.C.

  
Joseph P. Errico  
Chief Patent Counsel and Member

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Aug. 25, 2003.

Dated: Aug 25, 2003

  
(NAME) RUSSELL R. KASSNER

Reg. No. 36,183

#13

PTO/SB/51 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

1390-9CON

As the below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,882,350, granted March 16, 1999, and for which a

reissue patent is sought on the invention entitled POLYAXIAL PEDICLE SCREW HAVING A THREADEDAND TAPERED COMPRESSION LOCKING MECHANISM

the specification of which

☐ is attached hereto.

☒ was filed on November 13, 2001 as reissue application number 09 / 992,612  
and was amended on November 13, 2001, January 28, 2003 and by Amendment filed herewith.  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☒ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Applicants claimed less than they had a right to claim in the patent. Patentees seek to obtain claims to features in embodiments that were not covered by the claims in the issued patent.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
1390-9CON

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) \_\_\_\_\_ Registration Number \_\_\_\_\_

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

\_\_\_\_\_   
Type Customer Number here

Place Customer Number Bar  
Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Joseph P. Errico				
Address	150 Douglas Road				
Address					
City	Far Hills	State	N.J.	Zip	07931
Country	US				
Telephone	(908) 273-6109	Fax			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

James D. Ralph

Inventor's signature

Date

8-20-03

Residence

Citizenship

USA

Mailing Address

P.O. Box 99 Seaside Park, NJ 08752

Full name of second joint inventor (given name, family name)

Stephan Tatar

Inventor's signature

Date

8-20-03

Residence

Citizenship

USA

Mailing Address

Same as above

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☒ Additional joint inventors are named on separately numbered sheets attached hereto.

Full name of third joint inventor (given name, family name)	
Joseph P. Errico	
Inventor's signature	Date: 8/7/03
Residence	Citizenship:
29 Deer Path Circle, Green Brook, NJ 08812	USA
Mailing Address	
same as above	

Full name of fourth joint inventor (given name, family name)	
Thomas J. Errico	
Inventor's signature	Date: 8/7/03
Residence	Citizenship:
5 Crest Acre Ct. Summit, NJ 07901	USA
Mailing Address	
same as above	